

APPROVED: Meeting No. 1-85

ATTEST: 

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 43-84

December 11, 1984

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Tuesday, December 11, 1984, at 8:00 p.m.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. Ron Olson, the Director of Recreation and Parks is leaving the City to take a job as Director of Recreation and Parks in Ann Arbor, Michigan. Jim Keene, the Budget Director, is leaving to become the Assistant Chief Administrator Officer in Loudon County. Mr. Blick expressed regret at the City's loss of two fine employees.

2. This morning the Montgomery County Council reviewed the Gaithersburg and Vicinity Master Plan. Mayor Hovsepian presented the City's three major points. Mainly, the City's disagreement with 2.5 million square feet of development being added to the plan, the designation of a portion of the Thomas Farm from Stage III to Stage II, and the completion date of Key West Boulevard.

The Council has deferred a decision until next week to await the constitutionality of the Plan in light of some upcoming legislation at the State level.

3. The Planning Commission has finalized its Planning Area 12 recommendations after holding 8 work sessions to develop the Plan and comply with the Mayor and Council's schedule. The recommendations will be in the Mayor and Council's brief book tomorrow and on the agenda next Monday. At that time the Mayor and Council can review the schedule to see if they can stay with it. Mr. Blick passed out the Planning Commission's recommendations to the Council. Councilman Abrams asked that enough copies of the Plan be printed so that enough copies can be sent to everyone who testified. Leah Barnett, Chairman of the Planning Commission, addressed the Mayor and Council and said that the 300 copies will be printed and ready for distribution by December 30. She said the staff will not have the text amendment ready. The zoning decision must be made by the Council and the decision on staging. She explained there was a mix up since this should have been on the Mayor and Council's agenda this evening. The City Manager explained the tight time-frame and the necessity of bringing both the Plan and the text amendment and a Map Amendment before the Council. Councilman Tyner congratulated the Planning Commission on the work they have done. He suggested the Mayor and Council have a complete document before they attempt to set a date. Councilman Abrams agreed but he wondered how much time is necessary for the public to have a document before testifying. He suggested two weeks was not unreasonable if the City took steps to place the documents in their hands. Mayor Hovsepian pointed out one problem with the timing and that is individuals may have enough time but organizations might need more time. She said she would be willing to extend the January 14 date to January 21 if the

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Council agreed. The Council agreed that they would wait to set the date until all of the documents are in their hands.

Councilman Abrams said he had talked to Councilwoman Crenca who suggested Rockville should testify again next week at the County Council Meeting concerning the Gaithersburg Master Plan. Mayor Hovsepian asked that the City Manager come back to the Council with further comments he might think necessary.

Re: Appointment

Mayor Hovsepian made the following appointment which was confirmed by the Council:

Retirement Board: Basil Burris, a City Utility worker - 2 year term

Re: Citizen's Forum

Mayor Hovsepian opened the meeting to those citizens who wished to address the Mayor and Council:

1. Chuck Osborne, Peerless Rockville. On behalf of Peerless Rockville, Mr. Osborne presented greetings to the Mayor and Council and presented each of them with a new Peerless Calendar.

2. Arlene Simons, Planning Area 12 Advisory Group Member. Ms. Simons told the Council she is concerned with the community's confusions as to how the decisions were reached by the Planning Commission on Planning Area 12 and she feels there might have been a lack of opportunities to communicate and negotiate. She suggested that other opportunities be provided prior to the public hearing for this and that the Mayor and Council carry on work sessions so community representatives might discuss the issues. The issues could be limited to land use and density. The Council agreed this would be a good idea. Mayor Hovsepian asked the City Manager for his thoughts. He said he would have no advice until he could see an agenda and what the Council hopes to accomplish.

3. Lucille Manko, Fletcher Place. Mrs. Manko said the neighbors on Fletcher Place requested a Parking Permit District be reviewed since the

Treatment Center has had adequate time to remedy the situation. She is aware that the Mayor and Council wish to await the Board of Appeals' decision but the neighborhood needs assistance now, particularly in light of the fact that the building might be sold some time in the future and the new owners would have to know the restrictions that exist.

4. Leah Barnett, Chairman of the Planning Commission. Mrs. Barnett told the Mayor and Council that with their acceptance of Ms. Simons' suggestion of additional work sessions, the Planning Commission is further confused. She said there should be no confusion on the part of the citizens as to how the Planning Commission reached its decision since the work sessions were all open to the public and all well attended. The schedule was given to the Planning Commission by the Mayor and Council and it was followed. Mayor Hovsepian said there was no attempt on the part of the Council to confuse. Their only effort was to create a different atmosphere for discussion as the work sessions that Councilman Abrams held parallel to the work being performed caused a more pleasant exchange.

5. Steve Fisher, Rockville Civic Federation. He said the Civic Federation will meet to discuss the Planning Commission's recommendations. He would like to have the information at the earliest possible date to bring it before the Federation.

There being no other citizen wishing to be heard, the Mayor closed the Citizen's Forum portion of the meeting.

Re: Public hearing:
Proposed Housing
Policy for the City
of Rockville

The Mayor and Council conducted a public hearing on the Proposed Housing Policy for the City of Rockville and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen

wishing to be heard, the Mayor declared the hearing closed and the record to be held opened for 30 days.

Re: Review of request for
parking permit
district - Fletcher
Place

The Mayor and Council previously heard testimony to create a parking district on Fletcher Place and agreed not to establish it but to wait a certain period of time to see if the neighborhood problems improved — such as staff parking on the street and buses. The neighborhood has written to the Council asking for the parking district for a short period of time since some remedy is needed for the problem that they are having there. Councilman Hartogensis noted that he observed the situation at first hand last spring when the request was going before the Planning Commission for a Special Exception and at that time he heard the neighborhood testimony. The Planning Commission acted against the Special Exception but he asked the Mayor and Council to place the parking district in the area because they felt the situation should be remedied. The City Manager said there was a very difficult situation in the spring. Since then, the employees are parking at the Twinbrook Baptist Church and the Armory and although there are some buses it is not a large problem and buses must be used instead of taxis due to State legislation. In the meantime, the Treatment Center has applied for a Special Exception Application at the Twinbrook Baptist Church. If that is approved then in the future all children at the center will be dropped off and picked up at the Church across the street from the center so there will be no more buses on Fletcher Place. He suggested the Council take no action until the Board of Appeals has an opportunity to rule on the Treatment Center application. Councilman Abrams disagreed and said maybe the present remedy won't solve the entire problem but it is something that should be tried since there is a problem that is crying out for a solution. Councilman Tyner

disagreed and said a parking permit district will not resolve the problem. He said it is the parents of patients parking on the street and they have a perfect right to be there. It is a significant facility and cannot be told patients cannot visit and park. He suggest the Council take no action until a decision is made on the use of the Baptist Church and then the items be placed on the January 7, 1985, agenda. He heard at citizen's forum that the residents have a fear of what a new owner will do and he does not feel that the Council should legislate in a fear of what a future owner might do. Mayor Hovsepian also suggested that the Council wait on this until the Special Exception is looked at. She feels that is an important part of the decision.

Councilman Abrams moved, duly seconded, to move forward with a request for permit parking on Fletcher Place providing an administrative mechanism is put into place to provide passes to those in need and the Mayor and Council review the operation with the community in six months. The motion passed with Mayor Hovsepian and Councilman Tyner voting nay. The City Attorney will bring back a resolution for action at the next meeting. Mayor Hovsepian suggested that at the same time the staff be concerned with putting out notice to the next owner that a parking problem will not be tolerated.

Re: Introduction of
Resolution: To
enlarge the corporate
boundaries of the
City of Rockville, X-
95-84, 5.25611 acres,
at the intersection
of West Gude Drive
and Research
Boulevard, Mayor and
Council of Rockville,
Applicant

On motion of Councilman Tyner, there was introduced upon the table, a resolution to enlarge the corporate boundaries of the City of Rockville, X-95-84, 5.25611 acres at the intersection of West Gude Drive and Research Boulevard,

Mayor and Council of Rockville, Applicant, said resolution to be the subject of a public hearing.

Re: Adoption of
Resolution: To set
public hearing,
Annexation X-95-84

Resolution No. 41-84

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 41-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, setting March 11, 1985, for the public hearing on Annexation Petition X-95-84, was adopted by the Mayor and Council.

Re: Approval of Contract
Extension for Golf
Pro-Manager

The contract between Brooks Gerardi, Pro-Manager of Redgate Golf Course, and the City runs out December 31, 1984.

Staff has reviewed the terms of this contract and the various options concerning the Golf Course operation.

The past three years the course has done extremely well and the golf fund has grown each year. There are now around 46,000 rounds of golf/year being played which exceeded the projected goals of five years ago.

It is recommended that the Pro-Manager contract be extended for another four years with the changes in the contract as specified.

On motion of Councilman Duncan, duly seconded and unanimously passed, the contract with the Golf Pro Manager was extended for four years.

Re: Approval of Waiver of
on-site storm water
management - old
Maryvale

This site, located on Charles Street between MacArthur Drive and Crabb Avenue, is part of the old Maryvale School site located in the Rock Creek

drainage area. On-site infiltration systems were considered for this townhouse development, but because of the slope of the ground and the site layout, on-site SWM systems would not conform with new State requirements.

The expected monetary contribution for this development would be \$13,377 (0.75 acres of paved area at \$12,000 plus 2.17 acres of residential area at \$2,017).

Ordinarily, the City would recommend taking the waiver contribution but in this case the staff recommends that an alternative be followed. Section 3-302, Chapter 17 of the Laws of Rockville, provides that in lieu of a monetary contribution, a developer could provide the design and specifications for a planned regional SWM project which is in close proximity to the development and to which excess run-off from the development can be conveyed. This arrangement can produce the required design and specification sooner than if the normal consultant selection procedures were used, and can enable quicker protection of the stream valley and water resources below. Such a SWM facility can serve previous development (occurring before SWM was required) as well as new development and redevelopment.

Staff estimates that the engineering services required would be on the order of \$15,000 or more. It is recommended that the City grant the requested waiver and accept, in lieu of the contribution, the design and specifications for this project and related storm drainage.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council agreed to accept design specifications for this project and related storm drainage in lieu of a contribution.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. U.S. Department of Education, re adult functional illiteracy

Councilman Hartogensis suggested this would be appropriate for the City's newsletter.

2. County Executive, re traffic signal at Dover/E. Gude Drive
3. S. B. McGlaughlin, re Tribune United Cable Co.
4. W.J. Ceglie, re Ritchie Parkway

Mayor Hovsepian asked the staff to write an appropriate letter and indicate the City's law calling for inspection of the Master Plan.

5. R. W. Dumm & J.M. Snapp, re Safeway
6. J. A. Gegan, re year's activities
7. Maryland Historic Trust, re Poor Farm
8. Maryland Historic Trust, re Historic Register nomination
9. Delegate Boergers, re traffic signal at Ritchie/Greenplace Terrace

Councilman Abrams asked if the staff has looked into this. The City Manager said not yet but they would. Councilman Abrams suggested if the City should decide go forward with this to write and ask Mrs. Boergers for her assistance on such a light at the intersection of Falls Road and Kersey.

10. Alan Foster, re sewer backup

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo - "Process to Develop Master Plan for Art in Public Places in Rockville"
2. Information on Youth Services Cadet Program
3. Information on COG Scatter Plan
4. Information from FAA re National Airport Exception
5. Memo re bridge cleaner
6. Information from Traffic and Transportation Commission re Jitney Service

Mayor Hovsepian said this is good information and she hopes this project will move forward.

7. Information re Catwalk Project

8. Response to citizens complaint
9. Copy of citizen's letter re Holladay-Tyler

Mayor Hovsepian said she attend the Twinbrook Citizens Association meeting which was devoted to Holladay-Tyler and State representatives were there and promised to do the testing since the "state of the art" has improved since this was the subject of a previous study. Some improvement possibly can be made at this time.

10. Comparison of Golf Rounds - 1984-1985
11. Consultant selection process for Ritchie Parkway engineering

Re: New Business

1. Councilman Abrams said he has written to the School Board and has asked which schools would service the new homes being built in the triangle formed by Ritchie/Falls Road and Seven Locks Road. He would like to avoid the same situation that developed when Orchard Ridge was sold and has asked the staff to prepare an ordinance to require that real estate contracts in Rockville list the name of the schools which serve the subject residence.

2. Councilman Tyner asked the Mayor and Council to authorize the expenditure of funds to order flowers for Claudia Mangum, Ballet Director, at the end of the Nutcracker Show on Sunday. The Council agreed the Clerk should purchase flowers for Ms. Mangum.

3. Mayor Hovsepian said she held a luncheon meeting with the Executive Director and President of the Chamber of Commerce to discuss bringing citizens and businesses together. In the future citizen associations can be invited to the Chamber of Commerce mixer and the Chamber of Commerce will develop a speakers' list to go out to civic associations to speak and distribute directories. The Chamber of Commerce will also share their Saturday in the Square with the civic associations.

4. Councilman Hartogensis suggested appropriate recognition of Ron Olson for his long and faithful service to the City. The City Manager said the appropriate resolution will be drafted.